

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JEFFERY JOHNSON,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-14-0331-F
	)	
DISTRICT COURT OF PAYNE CO.,	)	
et al.,	)	
	)	
Respondents.	)	

**ORDER**

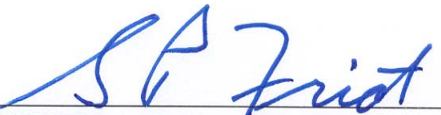
Petitioner, a state prisoner appearing *pro se*, seeks habeas relief in this action. Magistrate Judge Shon T. Erwin entered a Report and Recommendation (the Report), recommending the petition be dismissed without prejudice because petitioner failed to pay the filing fee, petitioner failed to properly apply to proceed without paying the filing fee, and because petitioner failed to comply with the court's orders. Doc. no. 11. The Report advised petitioner of his right to file an objection to the recommendations contained in the Report by June 2, 2014, and advised that failure to timely object waives the right to appellate review of both factual and legal issues contained in the Report. No objection has been filed, and no request for an extension of time within which to object has been filed.<sup>1</sup> With no objection having been filed and with the filing fee remaining unpaid, the court, after review, **ACCEPTS**, **ADOPTS**, and **AFFIRMS** the Report and Recommendation of the magistrate judge.

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<sup>1</sup>Various letters have been submitted and filed, including one from petitioner indicating his girlfriend will send a \$5.00 money order for the second time, and one from petitioner's girlfriend stating she has the money stub from the first \$5.00 submission and that she is going to send another \$5.00. The filing fee, however, remains unpaid.

This action is **DISMISSED** without prejudice. A certificate of appealability is **DENIED**.

Dated this 7<sup>th</sup> day of July, 2014.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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